IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of September, 2006
2nd Crl. Bail Application No. 807 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Amit S/o Ashok
R/o Village Bindukhadak,
P.S. Jhabrada,
Distt. Haridwar. **……** **Applicant**

Versus

State of Uttaranchal **…..** **Opposite Party**

Arising out of Crime No. 106 of 2004
Under Sections: 304-B of I.P.C.
Police Station: Jhabrada
District: Haridwar.

Hon'ble Prafulla C. Pant, J.

Heard Mr. Manish Arora, learned counsel for the applicant and Mr. Nandan Arya, learned A.G.A. for the State.

Applicant Amit, who is in jail in connection with crime No. 106 of 2004, relating to offence punishable under Section 304-B of I.P.C., P.S. Jhabrada, District Haridwar, has sought his release on bail.

The first bail application of the applicant appears to have been rejected, as withdrawn, earlier. This is second bail application.

Learned counsel for the applicant pointed out, the during trial as many as ten witnesses were got examined by the prosecution, and all of them have turned hostile and none supported the prosecution story, before the trial court. Certified copies of said statements has been filed. On behalf of the State it has not been denied that all the ten witnesses have turned hostile. Perusal of the statement of the witnesses shows that they are father, grandfather, uncle, aunt and neighbours of the village. All the close relatives examined by the

prosecution have denied that the deceased was ever harassed for non-fulfilment of demand of dowry. Rather, the witnesses have stated that no demand for dowry is every made.

Considering the above facts and circumstances of the case, it appears to be a fit case for bail.

Let the applicant Amit be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, Haridwar.

(Prafulla C. Pant, J.)

Dt. 23.09.2006
H. Negi